

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL SEARCH REPORT

(PCT Article 16 and Rules 43 and 44)

Applicant's or agent's file reference DX0903K	FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. PCT/US 99/20871	International filing date (day/month/year) 20/09/1999	(Earliest) Priority Date (day/month/year) 21/09/1998
Applicant SCHERING CORPORATION		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☒ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title:

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

HUMAN INTERLEUKIN-B50. THERAPEUTIC USES

5. With regard to the abstract:

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

Form PCT/ISA/210 (first sheet) (July 1998)

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/20871

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☒ Claims Nos.: 19-20 all partially
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
See FURTHER INFORMATION sheet PCT/ISA/210

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

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International Application No. PCT/US 99 20871

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box 1.2

Claims Nos.: 19-20 all partially

Claim 19 refers to a method relating to an agonist/antagonist of primate 1L-B50 and claim 20 to a method relating to an agonist/antagonist of 1L-7 without giving a true technical characterization. Moreover, no such compounds are defined in the application. In consequence, the scope of said claims is ambiguous and vague, and their subject-matter is not sufficiently disclosed and supported.

No search can be carried out for such purely speculative claims (as far as they do not concern the antibody of the polypeptides) whose wording is, in fact, a mere recitation of the results to be achieved.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 99/20871

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/24 C07K14/54 C12Q1/68 C07K16/24 C12N5/10
G01N33/68 C12N5/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>NCI-CGAP: "EST.ak28a11.s1 soares_testis_NHT Homo sapiens cDNA clone IMAGE:1407260 3', mRNA sequence" EMBL DATABASE ENTRY AA889581, ACCESSION NUMBER AA889581, 6 April 1998 (1998-04-06), XP002131157 cited in the application 99,8% identity in 468 bp overlap with seq ID no.1. Reverse orientation. 99,1% identity in 435 overlap with seq ID no.3. Reverse orientation. abstract</p> <p style="text-align: center;">-/-</p>	1-9

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
 "E" earlier document but published on or after the international filing date
 "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
 "O" document referring to an oral disclosure, use, exhibition or other means
 "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
 "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
 "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
 "S" document member of the same patent family

Date of the actual completion of the international search

22 February 2000

Date of mailing of the international search report

07/03/2000

Name and mailing address of the ISA

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PAGE 33/37 * RCVD AT 10/30/2006 12:27:29 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/36 * DNIS:2738300 * CSID:908 298 5405 * DURATION (mm:ss):05:16

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/20871

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,P	G.G. MAHAIRAS ET AL: "construction of a characterized clone source for genomic sequencing" EMBL DATABASE ENTRY A0781833, ACCESSION NUMBER A0781833, 3 August 1999 (1999-08-03), XP002131161 99,5% identity in 205bp overlap with seq ID 1: nt1-nt205. & UNPUBLISHED,	8,9
A	EP 0 314 415 A (IMMUNEX CORP) 3 May 1989 (1989-05-03) the whole document	1-20

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Information on patent family members

International Application No

PCT/US 99/20871

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0314415 A	03-05-1989	AT 109829 T	15-08-1994
		AU 616456 B	31-10-1991
		AU 2827289 A	23-05-1989
		CA 1340491 A	13-04-1999
		DE 3851035 D	15-09-1994
		DE 3851035 T	01-12-1994
		DK 302089 A	19-06-1989
		FI 103987 B	29-10-1999
		IE 64159 B	12-07-1995
		IL 88151 A	31-01-1993
		JP 2749838 B	13-05-1998
		JP 5268971 A	19-10-1993
		NO 302824 B	27-04-1998
		NZ 226679 A	25-06-1991
		WO 8903884 A	05-05-1989
		US 5714585 A	03-02-1998
		US 4965195 A	23-10-1990
		US 5705149 A	06-01-1998
		US 5965122 A	12-10-1999
		US 5328988 A	12-07-1994
		ZA 8807773 A	26-07-1989

Form PCT/ISA/210 (patent family annex) (July 1992)